

ESTTA Tracking number: **ESTTA242653**

Filing date: **10/14/2008**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92047013
Party	Plaintiff NeTrack, Inc.
Correspondence Address	Carl Oppedahl Oppedahl Patent Law Firm LLC P.O. Box 4850 Frisco, CO 80443-4850 UNITED STATES docket-oppedahl@oppedahl.com
Submission	Plaintiff's Notice of Reliance
Filer's Name	Terrence M. Wyles
Filer's e-mail	docket-oppedahl@oppedahl.com
Signature	/s/
Date	10/14/2008
Attachments	2008-10-14-DRAFT-NTer-i007-Notice-of-Reliance-on-Original-NeTrack-TM-Application-Specimen-of-Use.pdf (2 pages)(18711 bytes) Exhibit-Z-Specimen-of-use-from-original-NeTrack-Application.pdf (4 pages)(674869 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In re Registration No. 3,064,820

Mark: NETTRAK

Registered March 7, 2006

Netrack, Inc., Petitioner)	
)	
v.)	Cancellation No. 92047013
)	
Internet FX, Inc., Registrant)	
)	

Commissioner for Trademarks

P.O. Box 1451

Alexandria, VA 22313-1451

NOTICE OF RELIANCE

Pursuant to TBMP § 704.02, the Petitioner hereby notifies the Board and the Registrant that, in support of the Petitioner's Cancellation Action, the Petitioner is relying on the Specimen of Use provided to the United States Patent and Trademark Office by the Petitioner on May 6, 1997 in support of the Petitioner's trademark application Serial No. 75/287,548 for the mark NeTrack. Said Specimen of Use is attached as Exhibit Z. Accordingly, the Petitioner introduces Exhibit Z respectfully requests that said Exhibit Z be admitted into evidence.

Respectfully submitted,

/s/
Terrence M. Wyles, Attorney, Colorado Reg. #39799

Attorneys for Petitioner:	Carl Oppedahl Jessica L. Olson Terrence M. Wyles P.O. Box 4850 Frisco, CO 80443-4850 Tel: +1 970 468-8600 Fax: +1 970 692-2203
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CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing NOTICE OF RELIANCE on the Specimen of Use shown in Exhibit Z was deposited on October 15, 2008 with the United States Post Office, First Class postage prepaid, and addressed to the Registrant's Correspondent as follows:

SUSAN E. HOLLANDER & BRITT L. ANDERSON
MANATT, PHELPS & PHILLIPS, LLP
1001 PAGE MILL ROAD, BLDG. 2
PALO ALTO, CA 94304

/s/
Terrence M. Wyles, Attorney
Colorado Reg. #39799

Attorneys for Petitioner: Carl Oppedahl
Jessica L. Olson
Terrence M. Wyles
P.O. Box 4850
Frisco, CO 80443-4850
Tel: +1 970 468-8600
Fax: +1 970 692-2203

EXHIBIT Z

Trademark/Service mark Application Transmittal Letter

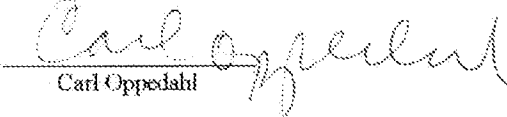
CERTIFICATE OF EXPRESS MAIL UNDER 37 C.F.R. § 1.110

I hereby certify that this paper is being deposited with the United States Postal Service as Express Mail Post Office to Addressee with "Express Mail" mailing label number

EM478923043US

in an envelope addressed to: Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202 on May 6, 1997.

May 6, 1997
Date of signature


Carl Oppedahl

Mark: NETRACK


The Assistant Commissioner for Trademarks
Box New App/Fee
2900 Crystal Drive
Arlington, VA 22202-3513

Sir:

Please find enclosed an application for trademark registration, with a fee of \$245.00, our check # 2346.

Please charge any deficiency in the amount to deposit account 15-0610.

Respectfully yours,


Carl Oppedahl
Oppedahl & Larson
1992 Commerce Street #309
Yorktown Heights, NY 10598-4412
(914) 245-3252

NeTrack

[Web Server Colocation](#)

[Leased Line Service](#)

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[Facility Description](#)

[Service Standards](#)

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[Order Service](#)

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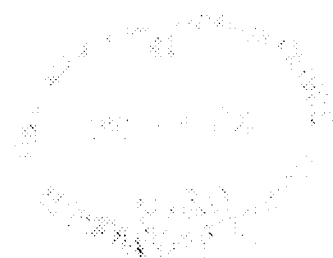
NeTrack is a member of the [Colorado Internet Cooperative Association](#).



PROMOTE RESPONSIBLE NET COMMERCE. FIGHT SPAM!

webmaster@netrack.com

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